BRIEFING PAPER
RB2 REQUEST TO AMEND CTR

REQUEST: The RB2 EO (Loretta) has requested EPA to remove Footnote b from the CTR, when it promulgates new mercury and cadmium criteria into the CTR.

REASON: Lack of resources to amend their Basin Plan & duplication of effort for any subsequent updates.

Footnote b reads: Criteria apply to California waters except for those waters subject to objectives in Tables III-2A and III-2B of the San Francisco Regional Water Quality Control Board's (SFRWQB) 1986 Basin Plan, that were adopted by the SFRWQCB and the State Water Resources Control Board, approved by EPA, and which continue to apply.

RB2 1986 Basin Plan Contains
Objectives for: As, Cr VI, Cu, Pb, Hg, Ni, Se, Ag, Zi, & CN for saltwaters downstream of Carquinez Strait (SF Bay excluding South SF Bay) & for freshwaters upstream of San Pablo Bay. Objectives for metals are in total recoverable.

ISSUES
1. History: In 1997, EPA proposed the CTR for SF Bay; during the public comment period, RB2 requested EPA to promulgate around their Basin Plan objectives mainly because it contained a more stringent aquatic life mercury objective. EPA added footnote b, but then reserved the proposed aquatic life mercury criteria at the request of the Services; thus aquatic life mercury is no longer an issue. The CTR human health mercury criteria apply to all RB2 waters.

2. General Pros & Cons:
Pros: Will result in consistent water quality standards and resulting WQBELs throughout RB2.
Will result in updated criteria values (CTR criteria for metals are in dissolved form.)
Discharge community supports RB2 request. Environmental community probably neutral (criteria would be the same as in the CTR).
EPA can complete the project faster and more efficiently (less process involved).

Cons: R9 & HQ resources are diverted from other priorities.
EPA is doing work that is the responsibility of the State.
RB5 requested similar action in 2001; EPA said no.
EPA's legal authority needs to be carefully drafted.

3. Specific Workload:
a. Additional language to Preamble/Rule (relatively minor work).
b. Additional Economic Analysis (some work; most CTR criteria are less stringent [see over], but we would be redefining marine v. freshwaters as well [salinity requirements]; RB2 has some analyses already completed that we can probably use).
c. ESA Consultation (minor work; same criteria were consulted on in original CTR).

Basin Plan Tables III-2A and III-2B vs. CTR Criteria

(more stringent CTR criteria are in red; these will affect the Economic Analysis)

III-2A: Water Quality Objectives for Surface Waters Downstream of Carquinez Strait (all values in ug/l) Per Basin Plan: Objectives are designed to protect Aquatic Life

	BP	CTR
As	36/69 CCC/CMC TR	36/39 CCC/CMC DISS
Cd	9.3/43 CCC/CMC TR	9.3/42 CCC/CMC DISS *
Cr VI	50/1100 CCC/CMC TR	50/1100 CCC/CMC DISS
Cu	–	3.1/4.8 CCC/CMC DISS
CN	5.0 CMC TR	1.0 CMC [Promulgated in NTR]
Pb	5.6/140 CCC/CMC TR	8.1/210 CCC/CMC DISS
Hg	0.025/2.1 CCC/CMC TR	– [Reserved in CTR]
Ni	7.1/140 24 hr avg/ inst TR	8.2/74 CCC/CMC DISS
Se	–	5.0/20 CCC/CMC TR [Promulgated in NTR]
Silver	2.3 inst TR	–/1.9 CCC/CMC DISS
Zi	58/170 24hr avg/ inst TR	81/90 CCC/CMC DISS
PAHs	15 24 hr avg	(Separate criteria: nos: 58, 60 - 64, 73, 92, 100; All HH nos; no AL nos.)

III-2B: Water Quality Objectives for Surface Waters Upstream of San Pablo Bay (all values in ug/l) Per Basin Plan: Objectives are designed to Protect Aquatic Life

	BP	CTR
As	190/360 CCC/CMC TR	150/430 CCC/CMC DISS
Cd	eqn/eqn TR	2.2/4.3 CCC/CMC DISS *
Cr VI	11/16 CCC/CMC TR	11/16 CCC/CMC DISS
Cu	6.5/9.2 CCC/CMC TR	9.0/13 CCC/CMC DISS
CN	5.2/22 CCC/CMC	5.2/22 CCC/CMC
Pb	eqn/eqn TR	2.5/65 CCC/CMC DISS
Hg	0.025/2.4 CCC/CMC TR	---- [Reserved in CTR]
Ni	56/1100 24 hr avg/inst	52/470 CCC/CMC DISS
Se	–	5.0 CCC TR
Silver	1.2 24 hr avg 3.4	CCC DISS
Zi	58/170 24 hr avg/inst	120/120 CCC/CMC DISS
PAHs	–	(Separate criteria: nos: 58, 60 - 64, 73, 92, 100; All HH nos; no AL nos.)

CCC = Chronic (4 day average); CMC = Acute (State: one hr; CTR: short term)
TR = Total Recoverable; DISS = Dissolved.
* EPA to amend statewide to more stringent values